**THE HON'BLE SRI JUSTICE P.S.NARAYANA**

**Writ Petition No.15512 of 2007**

**Date: 18th September, 2007**

Between :-

Ucha Kondaiah .. Petitioner

And

The Commissioner, Endowments Department, Tilak Road, Hyderabad and 2 others .. Respondents

**THE HON'BLE SRI JUSTICE P.S.NARAYANA**

**Writ Petition No.15512 of 2007**

**ORDER:-**

Heard the Counsel on record.

2. The learned G.P. for Endowments had taken notice on 23-7-2007 and prayed for time to get instructions.

3. Counter affidavits of R.2 and R.3 are filed and reply affidavit also is filed.

4. The Writ Petition is filed for a Writ of Mandamus declaring the action of the 1st respondent in not taking any action on the complaint dt.15-6-2007 as illegal, arbitrary, improper and consequently direct the 1st respondent to forth take action against the 2nd and 3rd respondents pursuant to the complaint dt.15-6-2007 and to grant such other suitable reliefs.

5. As can be seen from the affidavit filed in support of the Writ Petition, several factual details had been narrated and the filing of O.S.No.89/2007 on the file of Junior Civil Judge, Atmakur, Nellore District also had been referred to. The controversy is in relation to the installation of Deities. Further there is some controversy whether both the Temples in the village are notified Temples or not. The learned G.P. for Endowments had produced the

records to show that both the Temples in the village are notified and hence both the Temples are under the control of the Endowments Department.

6. Elaborate counter affidavits are filed by respondents No.2 and 3 and equally, an elaborate reply affidavit also had been filed.

7. Sri V.T.M.Prasad stats that in the light of the conduct of the writ petitioner and also certain of the members of the village who had involved in unruly acts, this is not a fit matter to be interfered with under Article 226 of the Constitution of India.

8. As can be seen from the representation dt.15-6-2007, a copy of which had been placed before this Court, several serious allegations had been made and there appears to be some conflict or controversy between the villagers and law and order problem as well. This Court is not inclined to express any further opinion relating to these controversial and factual aspects in the light of the respective stands taken by the petitioner as well as the 2nd and 3rd respondents, in the affidavit filed in support of the Writ Petition and also in the respective counter affidavits. It is needless to say that in such a situation, the 1st respondent – Commissioner, Endowments Department, Tilak Road, Hyderabad, is a competent

authority to go into all these aspects and to take an appropriate decision in the light of the peculiar facts and circumstances especially as reflected from the respective pleadings of the parties. It is needless to say that the petitioner is at liberty to file a copy of the said representation before the 1st respondent to unable the 1st respondent to take appropriate action. Hence, without expressing any further opinion, the Writ Petition is disposed of directing the 1st respondent to look into and consider the representation of the petitioner dt.15-6-2007 and take an appropriate decision, within a period of eight weeks from the date of receipt of this order. No order as to costs.

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Justice P.S.Narayana

18th September, 2007

smr